



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

PRICE DANIEL  
ATTORNEY GENERAL

November 16, 1951

Hon. Stewart Hellman  
Criminal District Attorney  
Tarrant County  
Fort Worth, Texas

Opinion No. V-1343

Re: Authority of the County  
Treasurer to establish  
a petty cash fund for  
the purpose of cashing  
jury warrants.

Dear Sir:

Your request for our opinion is substantially  
as follows:

May the County Treasurer of Tarrant  
County establish and maintain a petty cash  
fund for the purpose of cashing jury war-  
rants that have been issued by the District  
Clerk and countersigned by the Treasurer?

Article 2554, V.C.S., provides in part:

"It shall be the duty of the county  
treasurer upon the presentation to him of  
any warrant, check, voucher, or order drawn  
by the proper authority, if there be funds  
sufficient for the payment thereof on de-  
posit in the account against which such war-  
rant is drawn, to endorse upon the face of  
such instrument his order to pay the same  
to the payee named therein and to charge the  
same on his books to the fund upon which it  
is drawn." (Emphasis added).

The county treasurer is not authorized to  
draw a check upon the county depository and take up a  
warrant drawn by the proper authority. It is the duty  
of the county treasurer to endorse the warrant as pre-  
scribed by Article 2554 and deliver it to the payee,  
and the payee should present the warrant to the de-  
pository for payment. Att'y Gen. Op. 0-4462 (1942).  
Further, there is no express or implied authority for

the county treasurer to withdraw moneys from the jury fund in the county depository.

The only method of paying jury warrants being that prescribed in Article 2554, we agree with you that the county treasurer cannot establish a petty cash fund for the purpose of cashing jury warrants.

SUMMARY

The county treasurer of Tarrant County is not authorized to establish a petty cash fund for the purpose of cashing jury warrants.

APPROVED:

J. C. Davis, Jr.  
County Affairs Division

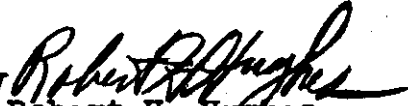
Jesse P. Luton, Jr.  
Reviewing Assistant

Charles D. Mathews  
First Assistant

RHH:wsh

Yours very truly,

PRICE DANIEL  
Attorney General

By   
Robert H. Hughes  
Assistant